

HOUSE BILL No. 1291

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 25-20.7.

Synopsis: Certification of interior designers. Establishes the interior designs certification board. Provides that the board issues interior design certificates to qualified individuals. Establishes penalties for a violation of the interior design provisions.

Effective: July 1, 2004.

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January 15, 2004, read first time and referred to Committee on Commerce and Economic Development.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1291

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.145-2003,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 2.1. Rather than being issued annually, the
4 following permits, licenses, certificates of registration, or evidences of
5 authority granted by a state agency must be issued for a period of two
6 (2) years or for the period specified in the article under which the
7 permit, license, certificate of registration, or evidence of authority is
8 issued if the period specified in the article is longer than two (2) years:
9 (1) Certified public accountants, public accountants, and
10 accounting practitioners.
11 (2) Architects and landscape architects.
12 (3) Dry cleaners.
13 (4) Professional engineers.
14 (5) Land surveyors.
15 (6) Real estate brokers.
16 (7) Real estate agents.
17 (8) Security dealers' licenses issued by the securities



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commissioner.
 (9) Dental hygienists.
 (10) Dentists.
 (11) Veterinarians.
 (12) Physicians.
 (13) Chiropractors.
 (14) Physical therapists.
 (15) Optometrists.
 (16) Pharmacists and assistants, drugstores or pharmacies.
 (17) Motels and mobile home park licenses.
 (18) Nurses.
 (19) Podiatrists.
 (20) Occupational therapists and occupational therapy assistants.
 (21) Respiratory care practitioners.
 (22) Social workers, marriage and family therapists, and mental health counselors.
 (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
 (24) Wholesale legend drug distributors.
 (25) Physician assistants.
 (26) Dietitians.
 (27) Hypnotists.
 (28) Athlete agents.
 (29) Manufactured home installers.
 (30) Home inspectors.

(31) Interior designers.

SECTION 2. IC 25-1-2-6, AS AMENDED BY P.L.145-2003, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.

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- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.
- (42) Home inspectors licensing board.
- (43) **Interior designers certification board.**
- (44) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration

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of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 3. IC 25-1-6-3, AS AMENDED BY P.L.145-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) There is established the Indiana professional licensing agency. The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private detectives licensing board (IC 25-30-1-5.1).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).

(16) Interior designers certification board (IC 25-20.7-3).

(b) Except for appeals of denials of license renewals to the executive director authorized by section 5.5 of this chapter, nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 4. IC 25-1-7-1, AS AMENDED BY P.L.145-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

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1 "Director" refers to the director of the division of consumer
2 protection.

3 "Division" refers to the division of consumer protection, office of
4 the attorney general.

5 "Licensee" means a person who is:

6 (1) licensed, certified, or registered by a board listed in this
7 section; and

8 (2) the subject of a complaint filed with the division.

9 "Person" means an individual, a partnership, a limited liability
10 company, or a corporation.

11 "Regulated occupation" means an occupation in which a person is
12 licensed, certified, or registered by one (1) of the following:

- 13 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 14 (2) Board of registration for architects and landscape architects
15 (IC 25-4-1-2).
- 16 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 17 (4) State board of barber examiners (IC 25-7-5-1).
- 18 (5) State boxing commission (IC 25-9-1).
- 19 (6) Board of chiropractic examiners (IC 25-10-1).
- 20 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 21 (8) State board of dentistry (IC 25-14-1).
- 22 (9) State board of funeral and cemetery service (IC 25-15-9).
- 23 (10) State board of registration for professional engineers
24 (IC 25-31-1-3).
- 25 (11) Indiana state board of health facility administrators
26 (IC 25-19-1).
- 27 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 28 (13) Indiana state board of nursing (IC 25-23-1).
- 29 (14) Indiana optometry board (IC 25-24).
- 30 (15) Indiana board of pharmacy (IC 25-26).
- 31 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 32 (17) Board of podiatric medicine (IC 25-29-2-1).
- 33 (18) Board of environmental health specialists (IC 25-32-1).
- 34 (19) State psychology board (IC 25-33).
- 35 (20) Speech-language pathology and audiology board
36 (IC 25-35.6-2).
- 37 (21) Indiana real estate commission (IC 25-34.1-2).
- 38 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 39 (23) Department of natural resources for purposes of licensing
40 water well drillers under IC 25-39-3.
- 41 (24) Respiratory care committee (IC 25-34.5).
- 42 (25) Private detectives licensing board (IC 25-30-1-5.1).

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- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) **Interior designers certification board (IC 25-20.7-3).**
- (38) Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-8-1, AS AMENDED BY P.L.145-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).

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- 1 (19) State psychology board (IC 25-33).
- 2 (20) Speech-language pathology and audiology board
- 3 (IC 25-35.6-2).
- 4 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 5 (22) Indiana board of veterinary medical examiners
- 6 (IC 15-5-1.1-3).
- 7 (23) Department of insurance (IC 27-1).
- 8 (24) State police department (IC 10-11-2-4), for purposes of
- 9 certifying polygraph examiners under IC 25-30-2.
- 10 (25) Department of natural resources for purposes of licensing
- 11 water well drillers under IC 25-39-3.
- 12 (26) Private detectives licensing board (IC 25-30-1-5.1).
- 13 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 14 (28) Social worker, marriage and family therapist, and mental
- 15 health counselor board (IC 25-23.6-2-1).
- 16 (29) Real estate appraiser licensure and certification board
- 17 (IC 25-34.1-8).
- 18 (30) State board of registration for land surveyors
- 19 (IC 25-21.5-2-1).
- 20 (31) Physician assistant committee (IC 25-27.5).
- 21 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 22 (33) Board of podiatric medicine (IC 25-29-2-1).
- 23 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 24 (35) Indiana physical therapy committee (IC 25-27).
- 25 (36) Manufactured home installer licensing board (IC 25-23.7).
- 26 (37) Home inspectors licensing board (IC 25-20.2-3-1).
- 27 (38) **Interior designers certification board (IC 25-20.7-3).**
- 28 (39) Any other occupational or professional agency created after
- 29 June 30, 1981.
- 30 SECTION 6. IC 25-1-11-1, AS AMENDED BY P.L.145-2003,
- 31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2004]: Sec. 1. As used in this chapter, "board" means any of
- 33 the following:
- 34 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 35 (2) Board of registration for architects and landscape architects
- 36 (IC 25-4-1-2).
- 37 (3) Indiana auctioneer commission (IC 25-6.1-2).
- 38 (4) State board of barber examiners (IC 25-7-5-1).
- 39 (5) State boxing commission (IC 25-9-1).
- 40 (6) State board of cosmetology examiners (IC 25-8-3-1).
- 41 (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- 42 (8) State board of funeral and cemetery service (IC 25-15-9).

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(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) Indiana plumbing commission (IC 25-28.5-1-3).

(11) Indiana real estate commission (IC 25-34.1-2-1).

(12) Real estate appraiser licensure certification board (IC 25-34.1-8).

(13) Private detectives licensing board (IC 25-30-1-5.1).

(14) Manufactured home installer licensing board (IC 25-23.7).

(15) Home inspectors licensing board (IC 25-20.2-3-1).

(16) Interior designers certification board (IC 25-20.7-3).

SECTION 7. IC 25-20.7 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

ARTICLE 20.7. INTERIOR DESIGNERS

Chapter 1. Application

Sec. 1. This article applies to a person who, after December 31, 2004, practices interior design.

Sec. 2. This article does not apply to an owner or employee of a retail establishment who provides consultation regarding interior decoration or furnishing:

(1) on the premises of the retail establishment; or

(2) for the purposes of an actual or prospective retail sale.

Sec. 3. This article does not apply to a person who:

(1) does not profess to be a certified interior designer; and

(2) is:

(A) an architect licensed under IC 25-4; or

(B) a professional engineer licensed under IC 25-31.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Board" means the interior designers certification board.

Sec. 3. "Certified interior designer" means a person certified under this article.

Sec. 4. "Interior design" means the performance or offering of services for a fee or other compensation, directly or indirectly, to another person in connection with the design, use, furnishing, or fabrication of elements in the interior spaces of buildings.

Sec. 5. "Interior designer" means a person who practices interior design.

Sec. 6. "Interior designer certificate" means a certificate issued under this article.

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1 **Sec. 7. "NCIDQ" means the National Council for Interior**
 2 **Design Qualification.**

3 **Sec. 8. "Out-of-state applicant" means an individual who is:**

4 (1) an interior designer registered or licensed under the laws
 5 of another state, a foreign country, or a province in a foreign
 6 country; and

7 (2) an applicant for a certificate of registration as a certified
 8 interior designer.

9 **Chapter 3. Interior Designers Certification Board**

10 **Sec. 1. The interior designers certification board is established.**

11 **Sec. 2. The board consists of five (5) members appointed by the**
 12 **governor as follows:**

13 (1) Three (3) members who:

14 (A) practice interior design; and

15 (B) are certified under this article.

16 (2) Two (2) members who:

17 (A) represent the general public; and

18 (B) are not associated with the interior design industry
 19 other than as consumers.

20 **Sec. 3. (a) Each member of the board shall serve a term of three**
 21 **(3) years and until the member's successor is appointed and**
 22 **qualified.**

23 (b) A board member may not serve more than two (2)
 24 consecutive terms.

25 **Sec. 4. (a) The governor may remove a board member at any**
 26 **time for:**

27 (1) incompetency;

28 (2) neglect of duty; or

29 (3) unprofessional conduct.

30 (b) A vacancy in the membership of the board shall be filled by
 31 an appointment by the governor for the unexpired term.

32 **Sec. 5. (a) The board shall meet at least two (2) times each**
 33 **calendar year upon the call of the chairperson or the written**
 34 **request of a majority of the members of the board.**

35 (b) The chairperson shall establish the time and place for each
 36 meeting.

37 (c) Three (3) members of the board constitute a quorum.

38 (d) Except as otherwise provided in this article, at least three (3)
 39 votes are necessary for the board to take official action.

40 **Sec. 6. Each member of the board is entitled to the minimum**
 41 **salary per diem provided by IC 4-10-11-2.1(b). Each member of**
 42 **the board is entitled to reimbursement for travel expenses and**

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1 other expenses actually incurred in connection with the duties of
 2 the member, as provided in the state travel policies and procedures
 3 established by the Indiana department of administration and
 4 approved by the budget agency.

5 Sec. 7. (a) Each year the board shall elect a member as
 6 chairperson and a member as vice chairperson.

7 (b) The chairperson shall serve until a successor is elected.

8 (c) The vice chairperson shall serve until a successor is elected.

9 (d) The chairperson shall preside at all meetings at which the
 10 chairperson is present. The vice chairperson shall preside at
 11 meetings in the absence of the chairperson and shall perform other
 12 duties as the chairperson directs.

13 (e) If the chairperson and vice chairperson are absent from a
 14 meeting of the board when a quorum exists, the members who are
 15 present may elect a presiding officer who shall serve as acting
 16 chairperson until the conclusion of the meeting or until the arrival
 17 of the chairperson or vice chairperson.

18 Sec. 8. The board shall:

19 (1) administer and enforce this article;

20 (2) adopt rules under IC 4-22-2 for the administration and
 21 enforcement of this article;

22 (3) prescribe the requirements for and the form of certificate
 23 issued or renewed under this article;

24 (4) issue, deny, suspend, and revoke certificates in accordance
 25 with this article;

26 (5) establish fees in accordance with rules adopted by the
 27 board;

28 (6) establish continuing education requirements for
 29 certification renewal;

30 (7) adopt a common seal;

31 (8) maintain a list of certified interior designers;

32 (9) adopt requirements for monitored internship; and

33 (10) adopt a code of ethics.

34 Chapter 4. Certification Requirements

35 Sec. 1. The board shall issue an interior designer certificate to
 36 an individual who does the following:

37 (1) Meets the requirements set forth in this article.

38 (2) Pays the fee established by the board.

39 Sec. 2. An applicant must meet one (1) of the following
 40 requirements:

41 (1) Complete:

42 (A) a baccalaureate degree in interior design from a

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college or university recognized by the board and the number of semester hours in interior design and other related subjects that the board determines appropriate; or (B) a degree the board determines to be equivalent to a degree in interior design.

(2) Attain:

(A) four (4) years of education as required by the board and two (2) years of full-time work experience in interior design;

(B) three (3) years of education as required by the board and three (3) years of full-time work experience in interior design; or

(C) two (2) years of education as required by the board and four (4) years of full-time work experience in interior design.

Sec. 3. (a) Except as provided in subsection (b), an applicant must pass the examination administered by the NCIDQ.

(b) The board may waive the examination requirement under subsection (a) if the applicant holds:

(1) a valid license or certificate in interior design from an authority in another jurisdiction that has standards substantially equivalent to this article; and

(2) a current certificate by the NCIDQ.

Sec. 4. The applicant must not have a conviction for:

(1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(2) a felony that has a direct bearing on the applicant's ability to practice competently.

Sec. 5. (a) This section applies only to an out-of-state applicant.

(b) The board shall grant a certificate of registration to an out-of-state applicant upon the following conditions:

(1) The out-of-state applicant must be at least eighteen (18) years of age and must not have been convicted of:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a felony that has a direct bearing on the applicant's ability to practice competently.

(2) If registered in the other jurisdiction after June 30, 1979, the out-of-state applicant must meet both of the following conditions:

(A) Have:

(i) met the requirements specified under this article; or

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(ii) earned a bachelor's degree in an interior design discipline and have at least five (5) years of experience as a registered interior designer.

(B) Have passed the examination administered by the NCIDQ.

(3) If registered in the other jurisdiction before July 1, 1979, the out-of-state applicant must meet the following conditions:

(A) Have met the education and work experience requirements in effect in Indiana when the out-of-state applicant was registered in the other jurisdiction.

(B) Have passed the examination administered by the NCIDQ.

(4) The out-of-state applicant must pay fees established by the board.

(c) If an out-of-state applicant does not meet the examination requirements under subsection (c)(2) or (c)(3), the board may require the out-of-state applicant to pass the written examination and an oral interview necessary to achieve equivalence to the requirements required in Indiana at the time the out-of-state applicant was registered in the other jurisdiction.

Sec. 6. A certified interior designer shall display the certificate in a conspicuous place:

- (1) in the principal office;
- (2) of business; or
- (3) of employment;

of the certified interior designer.

Sec. 7. (a) A certified interior designer shall have a seal or design authorized by the board, the impression of which must contain:

- (1) the name of the interior designer;
- (2) the words, "certified interior designer" and "state of Indiana"; and
- (3) the expiration date of the certification.

(b) A certified interior designer must place the seal described under subsection (a) and signature of the certified interior designer on any interior design construction documents issued by the certified interior designer and filed for public record for purposes of obtaining a building permit, including:

- (1) drawings;
- (2) plans;
- (3) specifications; and
- (4) reports.

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1 (c) If a certificate is suspended or revoked, the interior designer
 2 shall return the seal to the board within thirty (30) days after the
 3 revocation or suspension. The board shall return the seal to the
 4 interior designer when the suspension is removed.

5 **Chapter 5. Renewal of Certification**

6 **Sec. 1. An individual who applies to renew a certification as an**
 7 **interior designer must:**

- 8 (1) furnish evidence showing successful completion of the
 9 continuing education requirements of this article; and
 10 (2) pay the renewal fee established by the board.

11 **Sec. 2. (a) Renewal notices must be sent in accordance with**
 12 **IC 25-1-2-6(c).**

13 (b) The renewal fee must be paid in accordance with
 14 IC 25-1-8-2(d).

15 **Sec. 3. Each certified interior designer must complete the**
 16 **continuing education required by the board before the end of each**
 17 **certification renewal period.**

18 **Sec. 4. Each certified interior designer must renew the**
 19 **certification within ninety (90) days before the expiration of the**
 20 **certification to continue to use the title, "certified interior**
 21 **designer".**

22 **Sec. 5. (a) The board shall adopt rules concerning the continuing**
 23 **education required for the renewal of a certificate under this**
 24 **article.**

25 (b) The rules must do the following:

- 26 (1) Establish procedures for approving organizations that
 27 provide continuing education.
 28 (2) Establish a fee for each hour of continuing education
 29 required after a certificate is issued or renewed.
 30 (3) Prescribe the content, duration, and organization of
 31 continuing education courses that contribute to the general
 32 competence of interior designers.

33 **Sec. 6. (a) A certified interior designer who continues in active**
 34 **practice shall:**

- 35 (1) renew the interior design certificate; and
 36 (2) pay the required renewal fee.

37 (b) A certified interior designer whose certificate has expired
 38 may have the certificate restored only upon payment of the
 39 required restoration fee.

40 (c) Subject to subsection (d), an interior designer certified under
 41 this article who has failed to renew the interior designer's
 42 certificate for a period of not more than five (5) years may have the

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1 certificate renewed at any time within a period of five (5) years
2 after the certification expired upon:

3 (1) making application to the board for renewal of the
4 certification; and

5 (2) paying a renewal fee equal to the sum of the renewal fees
6 that the applicant would have paid if the applicant had
7 regularly renewed the certification during the period that the
8 certification lapsed.

9 (d) If a certified interior designer desires to retire from the
10 practice of interior design in Indiana, the interior designer may
11 submit to the board the interior designer's verified statement of
12 intention to withdraw from practice. The statement shall be
13 entered upon the records of the board. During the period of the
14 interior designer's retirement, the interior designer is not liable for
15 any renewal or restoration fees. If any retired interior designer
16 desires to return to the practice of interior design in Indiana within
17 a period of five (5) years after the date that the interior designer
18 files a statement under this subsection, the retired interior designer
19 must:

20 (1) file with the board a verified statement indicating the
21 interior designer's desire to return to the practice of interior
22 design; and

23 (2) pay:

24 (A) a renewal fee equal to the fee set by the board to renew
25 an unexpired certification under this chapter, if the retired
26 interior designer's certification is renewed for one (1) year
27 or more in a biennial renewal cycle established under
28 subsection (a); or

29 (B) a renewal fee equal to one-half (1/2) the fee set by the
30 board to renew an unexpired certification under this
31 chapter, if the retired interior designer's certification is
32 renewed for less than one (1) year in a biennial renewal
33 cycle established under subsection (a).

34 Sec. 7. The board shall keep a record of its proceedings and a
35 register of all applicants for certification showing:

36 (1) for each application the:

37 (A) date of application;

38 (B) name, age, and other qualifications;

39 (C) place of business; and

40 (D) place of residence of the applicant; and

41 (2) whether the applicant was:

42 (A) required to take an examination; and

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(B) rejected or granted and issued a certificate and the date of the action.

Chapter 6. Penalties

Sec. 1. The board may take disciplinary action against an interior designer for any of the following violations:

(1) Violating this article or rules adopted by the board under this article.

(2) Making a false or material misleading representation:

(A) in a certification application form or renewal form; or

(B) in information provided to the board.

(3) Failing to pay fees or fines required under this article.

(4) Communicating to the public false or misleading information concerning the certification.

(5) Failing to complete the continuing education requirements established by the board.

Sec. 2. The procedures set forth in IC 4-21.5 govern the board's conduct of disciplinary hearings.

Sec. 3. The board may summarily suspend or revoke a certification for up to ninety (90) days before a final adjudication or during an appeal of the board's determination if the board finds that the interior designer represents a clear and immediate danger to the public's health, safety, or property if the interior designer is allowed to practice interior design. The summary suspension or revocation may be renewed, upon a hearing before the board, for up to ninety (90) days.

Sec. 4. An individual who:

(1) presents as the individual's own the certification of another;

(2) intentionally gives false or materially misleading information of any kind to the board or to a board member in connection with certification matters;

(3) impersonates another certified interior designer;

(4) uses an expired, suspended, or revoked certification; or

(5) otherwise violates this article;

commits a Class B misdemeanor.

Sec. 5. An individual who applies for and is denied certification or a certified interior design who is aggrieved by an order or a determination of the board is entitled to a judicial review under IC 4-21.5.

Sec. 6. The attorney general shall act as the legal adviser for the board and provide any legal assistance necessary to carry out this article.

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1 SECTION 8. [EFFECTIVE JULY 1, 2004] (a) As used in this
 2 SECTION, "board" refers to the interior designers certification
 3 board established by IC 25-20.7-3-1, as added by this act.

4 (b) The governor shall make the initial appointments to the
 5 board not later than January 1, 2005. In making the initial
 6 appointment, the governor shall indicate the length of the term for
 7 which the individual is appointed.

8 (c) The initial terms of office for the five (5) individuals are as
 9 follows:

10 (1) A term of one (1) year for the following:

11 (A) One (1) member appointed under IC 25-20.7-3-2(1).

12 (B) One (1) member appointed under IC 25-20.7-3-2(2).

13 (2) A term of two (2) years for the following:

14 (A) One (1) member appointed under IC 25-20.7-3-2(1).

15 (B) One (1) member appointed under IC 25-20.7-3-2(2).

16 (3) A term of three (3) years for one (1) member under
 17 IC 25-20.7-3-2(1).

18 (d) The initial term begins January 1, 2005.

19 (e) An individual who does not meet the requirements of
 20 IC 25-20.7-3-2(1)(B), as added by this act, may be appointed to the
 21 board under IC 25-20.7-3-2, as added by this act, if the individual:

22 (1) meets the requirements of IC 25-20.7-3-2, as added by this
 23 act, except for IC 25-20.7-3-2(1)(B), as added by this act;

24 (2) has been actively engaged in the practice of interior design
 25 for at least five (5) years immediately before the person's
 26 appointment; and

27 (3) obtains a certificate under IC 25-20.7-4, as added by this
 28 act, not later than January 1, 2006.

29 (f) A board member appointed under subsection (e) who does
 30 not obtain the requisite certificate under IC 25-20.7-4, as added by
 31 this act, on or before January 1, 2006, shall be considered to have
 32 resigned from the board on that date, and the governor shall fill
 33 the vacancy under IC 25-20.7-3-2, as added by this act.

34 (g) Not later than July 1, 2005, the board shall adopt rules under
 35 IC 4-22-2 to carry out this act.

36 (h) This SECTION expires July 1, 2007.

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